



**CITY OF SUNNYVALE
REPORT
Planning Commission**

July 25, 2005

SUBJECT: **2005-0145** – Appeal of the decision of the Planning Commission denying an application on a 3,692 square-foot site located at **392 Waverly Street** in an R-2/PD (Low-Medium Density Residential/Planned Development) Zoning District (referred back to Planning Commission by Council);

Motion Modification to a previously approved Special Development Permit to allow a 192 square-foot addition to an existing house.

REPORT IN BRIEF

Existing Site Conditions Single-Family Residential

Surrounding Land Uses

| | |
|-------|---------------------------|
| North | Single-Family Residential |
| South | Single-Family Residential |
| East | Single-Family Residential |
| West | Single-Family Residential |

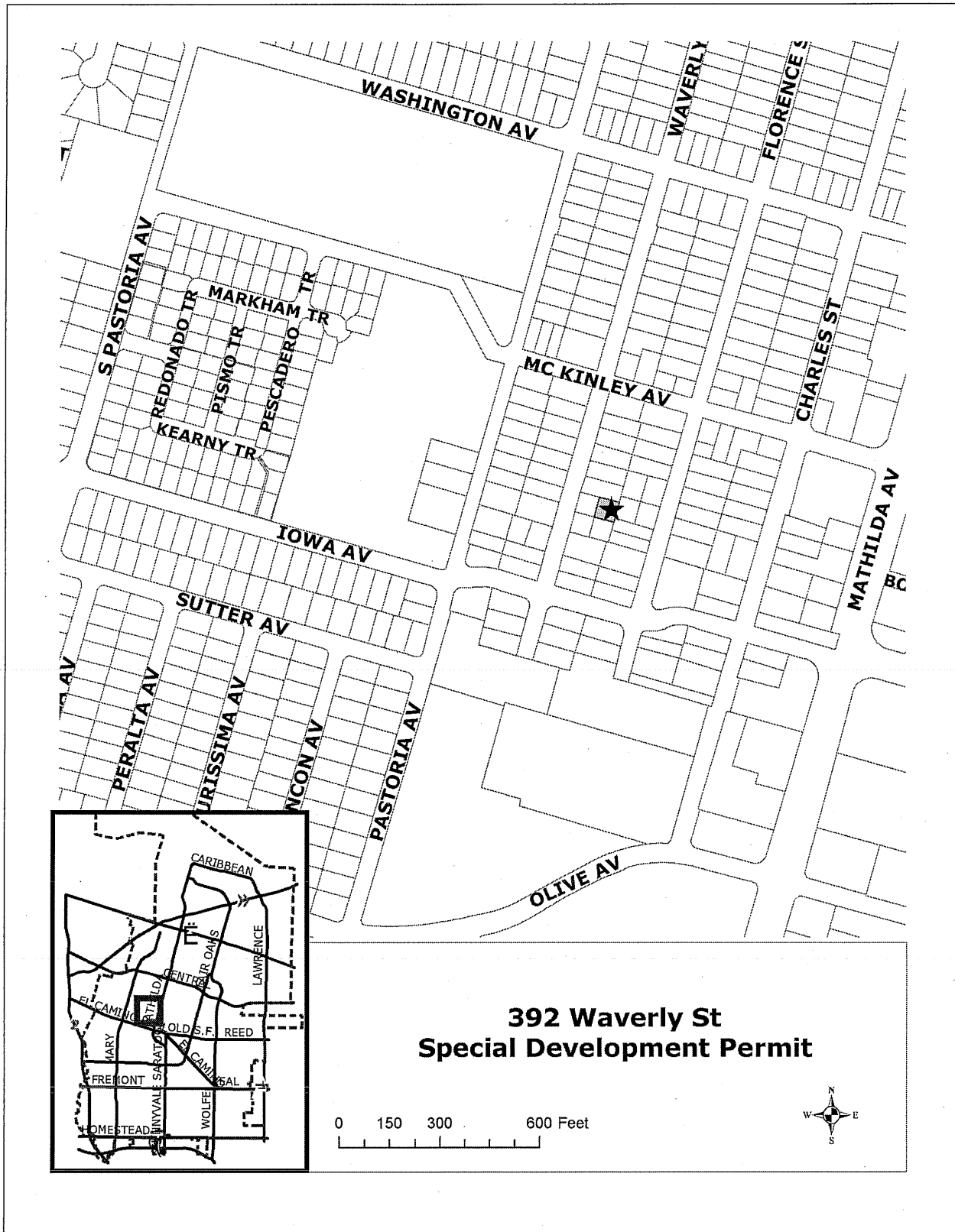
Issues Conditions of previously approved Special Development Permit: Rear yard setback, and Floor Area Ratio (FAR)

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Planning Commission Recommendation Denial

City Council Action Refer back to Planning Commission with proposed revision

Staff Recommendation Grant the appeal and approve the SDP with the redesigned addition resulting in a larger rear setback than previously proposed



PROJECT DATA TABLE

| | EXISTING | PROPOSED | REQUIRED/ PERMITTED |
|---|-----------------------------------|-----------------|-----------------------------------|
| General Plan | Residential Low Medium Density | Same | Residential Low Medium Density |
| Zoning District | R-2/PD | Same | R-2/PD |
| Lot Size (s.f.) | 3,690 | Same | 3,600 min. |
| Gross Floor Area (s.f.) | 1,571 | 1,763 | 1,871 max. |
| Lot Coverage (%) | 32.2% | 36.3% | 40% max. |
| ★ Floor Area Ratio (FAR) per original SDP (previous calculation methodology) | 50.7% | 56.9% | 50.7% per SDP |
| ★ Floor Area Ratio (FAR) (per current practice) | 42.6% | 47.8% | 42.6% per SDP |
| Bedrooms | 3 | 4 | N/A |
| Building Height (ft.) | 24' | Same | 30' max. |
| No. of Stories | 2 | Same | 2 max. |
| Setbacks (First Facing Property) | | | |
| • Front | 3' | Same | 3' min. by SDP |
| • Right side | 12.5' | Same | 8' min. |
| • Left side | 6' | Same | 4' min. |
| • Rear (Option A) | 18' | 10' | 20' min. (10' for one-story) |
| • Rear (Option B) | 18' | 12' | 20' min. (10' for one-story) |
| Landscaping (sq. ft.) | | | |
| • Total Landscaping | 1,049 | 866 | 850 min. |
| • Usable Open Space (Option A) | 1,049 | 549 | 500 min. |
| • Usable Open Space (Option B) | 1,049 | 866 | 500 min. |

★ Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS

Description of Proposed Project

The applicant originally proposed a 200 square foot single-story addition to the rear of their house to add a guest room, increase the size of an existing bathroom and relocate the kitchen. The original design would result in a 10 foot single-story rear yard setback where an 18 foot setback exists currently. Given the denial by the Planning Commission, the applicant requested a reconsideration by the City Council and provided an option for a modified configuration to increase the rear yard setback to 12 feet. The Council referred the item back to the Planning Commission to consider the modified plan with the additional usable open space.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

| File Number | Brief Description | Hearing / Decision | Date |
|---|--|---------------------------|-------------|
| 1995-0055 | Special Development Permit for site and architectural approval | City Council / Approved | 3/29/95 |
| 1995-0051 SDP, 2005-0050 RZ, 2005-0052 TM | Special Development Permit, Re-Zone, and Tentative Map to subdivide lot of 4 single family homes | City Council / Approved | 3/15/95 |

The subject site was originally part of a larger lot that was Rezoned (R-2 to R-2/PD) and subdivided into 4 parcels in 1995 (see Attachment E for layout). Several neighbors attended the 1995 Planning Commission public hearing to express concern about the density of the proposed development. The project was approved with Conditions of Approval that included:

- 1) Any major site and architectural plan modifications ... shall be subject to approval at a public hearing before the Planning Commission.
- 2) A minimum setback of 18 feet relative to rear yards of adjacent property;
- 3) An average FAR (for the four lots) not to exceed 50.8%.

While the proposed addition is relatively small, the previously established condition of approval requires Planning Commission approval for the proposed change.

Planning Commission Hearing: The project was reviewed at the April 11, 2005 Planning Commission hearing. The Planning Commission discussed concerns about overturning the previously approved maximum FAR, decreasing the usable open space, increasing the amount of impervious surface, and reducing the rear yard setback. The Planning Commission voted 6-1 to deny the request (see Attachment F for meeting minutes).

Subsequent Revision: Based on the results of the Planning Commission hearing, the applicant suggested a revised layout with an increased rear yard setback. While the applicant prefers his original request (Option A, see Attachment C), the applicant has also provided an Option B, which allows for an increased rear setback and additional usable open space (Attachment H).

City Council Hearing: Due to a misunderstanding, the applicant did not attend the City Council meeting. The City Council did not conduct a public hearing on the item, and referred it back to the Planning Commission to reconsider based on the modification to allow additional usable open space.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemption includes minor additions to existing facilities.

Special Development Permit

Site Layout: The subject site is a rear unit in a four lot subdivision. From Waverly Street, the property is located in the back to the left side of the subdivision. Access to the site is via a shared driveway. The two rear parcels were approved with reduced front and rear yard setbacks, including a 3 foot "front" yard setback (based on the orientation of the lot) and an 18 foot rear yard setback. The front and right side yards of the subject site are taken up by parking. The usable open space and landscaping is located in the rear yard (see Attachment C for the existing Site Plan).

The initially proposed plan (Option A, see Attachment C) would be an approximately 200 square foot addition with a 10-foot rear setback. The alternatively proposed similarly sized addition (Option B, see Attachment H) would distribute the area along a greater portion of the rear of the home and result in a 12-foot rear setback.

Architecture: The existing house is two-story with craftsman style detail. The proposed addition is a one-story rear addition in conformance with the existing building. Given the location of the proposed addition, the aesthetic impact on the surrounding properties is expected to be minimal. The color and texture of

the addition should match the existing exterior walls and roof (see Conditions of Approval 1.F and 1.G).

The proposed Option B also provides for a minor remodeling of the interior of the home to allow for existing living space to be added to the garage area. This is a minor modification that would typically be approved by staff and not require a public hearing review.

Landscaping: The project will result in the total landscaping being reduced from 1,049 square feet to 866 square feet, which still exceeds the required minimum. For Option A, the total “usable open space” will be 549 square feet, which just exceeds the minimum required. For Option B, the resulting “usable open space” will be 866 square feet. Usable open space has a minimum 12 foot dimension. Option A has landscaped area that does not qualify as usable open space.

While impervious lot coverage is now a standard part of project review, the small lot size does not result in the site triggering stormwater management requirements. The standard Code requirement of less than 50% of the front yard being paved was waived as part of the originally approved Special Development Permit.

There are no protected heritage trees on site that may be jeopardized by the addition. Protected trees are those that measure 38 inches or greater in circumference when measured at four feet from the ground. There is a young tree located along the property line of the neighboring site; however, the proposed addition is not expected to impact the tree. Any construction activities should include protection measures for the root base of the tree (see Condition of Approval 3A).

Parking: Parking and circulation on the site will not be impacted by the proposed addition.

Compliance with Development Standards/Guidelines: The proposed addition does not comply with the previously approved Special Development Permit (SDP) on two issues:

- 1) Reduction to allowable rear yard setback, and
- 2) Exceeding allowable Floor Area Ratio (FAR).

The approved SDP required a minimum rear yard setback of 18 feet. The applicant proposes reducing this to 10 feet for Option A or 12 feet for Option B, both of which are typically allowed by the Sunnyvale Municipal Code for a one-story addition (provided that the addition does not encroach over 25% of the rear yard area).

The original SDP approved an average FAR of 50.8% for the four separate lots as the maximum allowable. The approved SDP listed 50.9% for lots that front on Waverly (listed as Lot 1 and 2 in the original SDP), and 50.7% for rear lots (listed as lots 3 and 4 in the original SDP, with Lot 3 being the subject site). (See attachment E for a subdivision plan for the four lots.) However, this calculation was based on a previous practice of FAR calculation and did not include the driveway in the overall site area, which is the current practice for calculation of FAR when reviewing small lot clustered developments. Based on the current practice, the existing FAR of the site would only be 42.6% and the proposed FAR with the addition would be 47.8%. Even without the approved SDP requirements, this addition would require Planning Commission review as it triggers the standard 45% FAR requirement for a public hearing design review.

Expected Impact on the Surroundings: The addition may have a minor visual impact on the neighboring properties located along the rear yard. Approving the addition would raise the issue of setting precedence for the other lots on the subdivision. Given the required side yard and front yard setbacks, a similar addition would only be realistic for the other rear lot property. In the case of both rear properties being approved for an approximately 200 square foot addition, the overall FAR would increase to 45.4%, where only 42.6% had previously been approved (based on current method of calculation). The approved additions would also result in an increase in impervious surface.

FISCAL IMPACT

No fiscal impacts other than normal fees and taxes are expected.

PUBLIC CONTACT

No letters have been received to date. Members of the public who attended the 1995 public hearing were also notified of the proposed addition.

Planning Commission Hearing: No members of the public spoke on this item at the Planning Commission public hearing. Staff did not receive any comments on the project prior to nor since the public hearing.

| Notice of Public Hearing | Staff Report | Agenda |
|--|---|--|
| <ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 22 notices mailed to adjacent property owners, residents of the project site, and people who had attended the 1995 public hearing | <ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library | <ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial |

CONCLUSION

Discussion: While the proposed addition is relatively small, it raises several issues for consideration, including intensity (FAR), privacy, open space, and precedence for other development.

When the original SDP was approved, the project was more dense than all of the surrounding properties, in terms of both lot coverage and FAR. The limits to the rear yard setback and overall FAR were established to provide some parameters regarding intensity of development on the site. Since then a similar four lot subdivision was approved on Florence Street, which is located just behind the subject site. The Florence development includes two-story houses with reduced second-story setbacks. If the subject site neighbored a standard single family home in the area, the additional bulk might be too great for staff to support. However, the proposed intensity matches the intensity that now exists in that vicinity.

The standard concern associated with reduced rear yard setbacks is a loss of privacy for the neighbors. Given that the proposed addition is only one-story and given that the rear yard neighbor has a two-story home with a reduced rear yard setback, staff does not consider the 12 foot setback to be a privacy concern.

The reduction of open space and landscaping is of concern because it reduces the recreational area and the impervious surface for stormwater runoff. While both Option A and B meet the minimum requirements, staff prefers Option B because it allows for a larger amount of usable open space (to qualify as open space, the area must be at least 12 feet in each direction). The increase in impervious surface would be of concern if this level of density were a trend for the area, but this one project is not a major issue given the low lot coverage in the vicinity of the site.

The other issue is one of setting precedence for the other three lots on the site. The previously approved SDP specifically restricted additions. If this relatively small addition is allowed, it should clearly state that a review shall be done on a case-by-case basis, and re-establish a maximum FAR for either the individual or all four lots. Given that the other rear lot on the subdivision has a similar layout, it would be difficult to argue allowing one addition and not allowing a similar addition on the neighboring rear lot. The front two lots have a different configuration, requiring larger front yard setbacks, and would be more difficult to expand.

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Special Development Permit. Findings and General Plan Goals are located in Attachment 1.

Conditions of Approval: Conditions of Approval are located in Attachment 2.

ALTERNATIVES

1. Approve the proposed Special Development Permit (Option B) with attached conditions.
 2. Approve the proposed Special Development Permit with modified conditions.
 3. Approve the proposed Special Development Permit (Option A) with modified conditions.
 4. Deny the proposed Special Development Permit.
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RECOMMENDATION

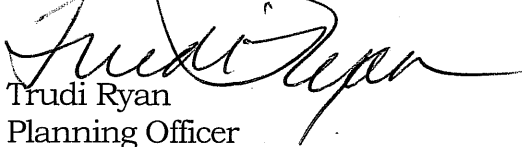
Alternative 1.

Prepared by:



Jamie McLeod,
Project Planner

Reviewed by:



Trudi Ryan
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Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans (Option A)
- D. Initial Submittal Letter from Applicant
- E. Previous SDP Lot Subdivision Plans (1995)
- F. Planning Commission Minutes
- G. Appeal letter from Applicant
- H. Alternative site layout (Option B)